

## **REMARKS**

### **Status of the Claims**

This Reply is being filed concurrently with a Request for Continued Examination under 37 C.F.R. §1.114. Claims 16-25 are pending in the present Application. Claim 15 is canceled. Claims 16, 18, and 19 are currently amended. Reconsideration and allowance of all of the pending claims is respectfully requested.

The amendment to claims 16, 18, and 19 does not add new matter to the Application. Claim 16 is amended to delete reference to butyl rubber. Claims 18 and 19 are amended to correct dependencies. Accordingly, entry of this amendment is appropriate and respectfully requested.

### **Claim Rejections – 35 U.S.C. §102**

Claims 16-25 stand rejected under 35 U.S.C. §102(e) as anticipated by, or in the alternative, under 35 U.S.C. §103(a) as obvious over Takamatsu (JP 57-145103). For the following reasons, each of these rejections is respectfully traversed.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP §2131, citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Likewise "[T]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." MPEP §2143.03. Furthermore "[I]n determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious." MPEP §2141.02, emphasis added.

Takamatsu does not disclose or suggest all of the elements of the present claims. Takamatsu does not disclose or suggest a hydrocarbon polymer used in conjunction with a modifier which comprises a modified cyclic structure-containing conjugated diene polymer as

presently recited in claim 16. Takamatsu discloses at most a compound that may be similar to the modifier component of claim 16. However Takamatsu does not disclose or suggest using their compounds with a hydrocarbon polymer as recited in claim 16.

As is well described in the present specification, the use of the modifier of the present invention with the hydrocarbon polymers listed in claim 16 produces a polymer composition with properties that are far superior to prior art compositions. It cannot be maintained that Takamatsu discloses or suggests the present invention with all of its claimed limitations. Accordingly, this rejection must be withdrawn.

#### *The Present Invention*

The present invention is directed to a hydrocarbon polymer composition including at least one component selected from a group consisting of a polyethylene resin, a polypropylene resin, a polybutylene resin, an ethylene-propylene copolymer resin, an ethylene-propylene copolymer rubber, and an ethylene-propylene-ethylidene norbornene copolymer rubber, and a modifier which comprises, as an active component, a modified cyclic structure-containing conjugated diene polymer which has a particular chemical structure. The hydrocarbon polymer composition of the present invention exhibits the advantage of having good adhesion, for example, to the covering material and the adhesive in a molding.

#### *Distinctions between the present invention and the prior art*

Takamatsu discloses a compound which may be similar to the modified cyclic structure-containing conjugated diene polymer that is presently claimed. However, there is no mention at all in the Takamatsu Abstract that their compounds are used as a modifier for the specified hydrocarbon polymers recited in the present claims.

By using the hydrocarbon polymer composition of the present invention, which comprises the listed olefin polymer compounds(s) and a modifier, the adhesion and other properties of, for example, a molding formed by using the composition is greatly improved.

Takamatsu does not disclose or suggest combining their compounds with the listed specific polymer compounds of claim 16. Therefore, one of skill in the art would have no teaching that would allow them to arrive at the presently claimed hydrocarbon polymer compositions.

### *Summary*

All of the elements of claim 16 are not disclosed or suggested by Takamatsu. Therefore, Takamatsu cannot anticipate the present claims under 35 U.S.C. §102. In addition, "[T]he examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness." MPEP §2142. However, the Office has not demonstrated that all of the elements of the present invention are disclosed or suggested by Takamatsu. The Office has not factually supported the assertion that the prior art discloses a hydrocarbon polymer composition used in conjunction with a modifier as presently claimed. The Office has therefore not borne the burden of supporting a case of *prima facie* obviousness.

Accordingly, both the rejection under 35 U.S.C. §102 over Takamatsu, and the rejection under 35 U.S.C. §103 over Takamatsu, must now be withdrawn.

### **Conclusion**

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact J. Mark Konieczny (Reg. No. 47,715) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Application No. 10/509,022  
Amendment dated June 1, 2006  
After Final Office Action of December 1, 2005

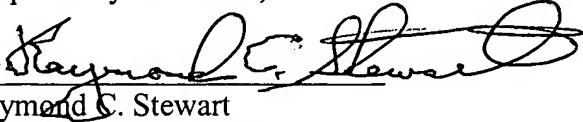
Docket No.: 4670-0105PUS1

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

By



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